

Introduced by Senator Torlakson

February 18, 2005

An act to amend Sections 65460.2 and 65460.4 of the Government Code, and to amend Section 33031 of, and to add Section 33032 to, the Health and Safety Code, relating to transit village plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as introduced, Torlakson. Local planning: transit village plans.

The Transit Village Development Planning Act of 1994 authorizes a city or county to prepare a transit village plan for a transit village development district that includes all land within not less than $\frac{1}{4}$ mile of the exterior boundary of the parcel on which is located a transit station, as defined, and addresses specified characteristics, including a neighborhood centered around a transit station and a mix of housing types, including apartments, that is planned and designed, as specified, and any 5 of demonstrable public benefits that reduce traffic congestion.

The Community Redevelopment Law specifies both the physical and economic conditions that cause blight.

This bill would require that the mix of housing types be on parcels of which at least a portion is within not more than a $\frac{1}{4}$ mile of the exterior boundary of the parcel on which the transit station is located and would require a city or county to allow "use by right" on each parcel within a transit village development district. The bill would also require that the transit village development district only include parcels of land at least a portion of which is within not more than a $\frac{1}{4}$ mile of the exterior boundary of the parcel on which is located the transit station.

The bill would, additionally, define an economic condition of blight to include the lack of high density development within a transit village development district and would specify requirements to be met by a local agency that relies on this condition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65460.2 of the Government Code is
2 amended to read:
3 65460.2. A city or county may prepare a transit village plan
4 for a transit village development district that addresses the
5 following characteristics:
6 (a) A neighborhood centered around a transit station that is
7 planned and designed so that residents, workers, shoppers, and
8 others find it convenient and attractive to patronize transit.
9 (b) A mix of housing types, including apartments, *on parcels*
10 *of which at least a portion is* within not more than a quarter mile
11 of the exterior boundary of the parcel on which the transit station
12 is located.
13 (c) Other land uses, including a retail district oriented to the
14 transit station and civic uses, including day care centers and
15 libraries.
16 (d) Pedestrian and bicycle access to the transit station, with
17 attractively designed and landscaped pathways.
18 (e) A transit system that should encourage and facilitate
19 intermodal service, and access by modes other than single
20 occupant vehicles.
21 (f) Demonstrable public benefits beyond the increase in transit
22 usage, including any five of the following:
23 (1) Relief of traffic congestion.
24 (2) Improved air quality.
25 (3) Increased transit revenue yields.
26 (4) Increased stock of affordable housing.
27 (5) Redevelopment of depressed and marginal inner-city
28 neighborhoods.
29 (6) Live-travel options for transit-needy groups.
30 (7) Promotion of infill development and preservation of
31 natural resources.

1 (8) Promotion of a safe, attractive, pedestrian-friendly
2 environment around transit stations.

3 (9) Reduction of the need for additional travel by providing for
4 the sale of goods and services at transit stations.

5 (10) Promotion of job opportunities.

6 (11) Improved cost-effectiveness through the use of the
7 existing infrastructure.

8 (12) Increased sales and property tax revenue.

9 (13) Reduction in energy consumption.

10 (g) Sites where a density bonus of at least 25 percent may be
11 granted pursuant to specified performance standards.

12 (h) Other provisions that may be necessary, based on the
13 report prepared pursuant to subdivision (b) of former Section
14 14045, as enacted by Section 3 of Chapter 1304 of the Statutes of
15 1990.

16 (i) *Within the transit village development district, the city or*
17 *county shall allow “use by right” on each parcel, as defined in*
18 *subdivision (i) of Section 65583.2.*

19 SEC. 2. Section 65460.4 of the Government Code is amended
20 to read:

21 65460.4. A transit village development district shall ~~include~~
22 ~~all land~~ *only include parcels of land at least a portion of which is*
23 *within not more than a quarter mile of the exterior boundary of*
24 *the parcel on which is located a transit station designated by the*
25 *legislative body of a city, county, or city and county that has*
26 *jurisdiction over the station area.*

27 SEC. 3. Section 33031 of the Health and Safety Code is
28 amended to read:

29 33031. (a) This subdivision describes physical conditions
30 that cause blight:

31 (1) Buildings in which it is unsafe or unhealthy for persons to
32 live or work. These conditions can be caused by serious building
33 code violations, dilapidation and deterioration, defective design
34 or physical construction, faulty or inadequate utilities, or other
35 similar factors.

36 (2) Factors that prevent or substantially hinder the
37 economically viable use or capacity of buildings or lots. This
38 condition can be caused by a substandard design, inadequate size
39 given present standards and market conditions, lack of parking,
40 or other similar factors.

(3) Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other portions of the project area.

(4) The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership.

(b) This subdivision describes economic conditions that cause blight:

(1) Depreciated or stagnant property values or impaired investments, including, but not necessarily limited to, those properties containing hazardous wastes that require the use of agency authority as specified in Article 12.5 (commencing with Section 33459).

(2) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities.

(3) A lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions.

(4) Residential overcrowding or an excess of bars, liquor stores, or other businesses that cater exclusively to adults, that has led to problems of public safety and welfare.

(5) A high crime rate that constitutes a serious threat to the public safety and welfare.

(6) Lack of high density development within a transit village development district adopted pursuant to Article 8.5 (commencing with Section 65460) of Chapter 3 of Title 1 of Division 7 of the Government Code.

SEC. 4. Section 33032 is added to the Health and Safety Code, to read:

33032. If an agency seeks pursuant to subdivision (b) of Section 33031 to demonstrate the economic conditions that cause blight by relying on the lack of high density development within a transit village development district pursuant to paragraph (6) of that subdivision, all of the following requirements shall be met:

(a) The project area shall include a rail transit station and surrounding land, provided that at least a portion of all the parcels of surrounding land is not more than a quarter mile from

1 the exterior boundary of the parcel on which is located the rail
2 transit station.

3 (b) The community shall adopt a transit village plan pursuant
4 to the Transit Village Development Planning Act of 1994, Article
5 8.5 (commencing with Section 65460) of Chapter 3 of Division 1
6 of Title 7 of the Government Code, that covers the same area,
7 and the transit village plan shall permit a significantly higher
8 density of development than the development that currently
9 exists in the area.

10 (c) The agency shall submit the proposed redevelopment plan
11 to the California Infrastructure and Economic Development
12 Bank, and after consultation with the Department of Finance, the
13 Department of Transportation, the Department of Housing and
14 Community Development, the Office of Planning and Research,
15 and any other relevant state agencies, the bank shall make a
16 finding, based on substantial evidence in the record, that the
17 proposed redevelopment plan is consistent both with the
18 requirements of Section 33030 and with the state planning
19 priorities in Section 65041.1 of the Government Code.